

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.1303 OF 2007
IN
SECOND APPEAL NO.99 OF 2000

Shankarrao Govindrao Yadav
(since deceased through L.Rs) & Ors. ...Applicants

vs.

Ganpati Rama Paval
(since deceased through L.Rs.) ...Respondents

Mr.Dilip Bodake for the Applicants
Mr.J.M.Puranik i/b Mr.B.R.Patil for the Respondents

CORAM: A.S.OKA, J.
DATE : DECEMBER 13, 2007.

P.C.:

1. Heard Advocates for the parties. This application for restoration of the Second Appeal is opposed by the Advocate for the Respondents.

2. The objection No.2 in the Second Appeal is as regards error in the District Court decree. For the time being the said objection deserves to be dispensed with. The Applicants will have to apply to the District Court for amendment to the decree. Other objections will have to be removed by the Applicants.

3. The Second Appeal has been dismissed only on the ground of non removal of the office objections. Therefore, notwithstanding the objections, this application and the

Second Appeal will have to be restored. Accordingly, application is disposed of by passing the following order :

- i) Objection regarding the error in the District Court Decree is dispensed with for the time being with liberty to the Applicants to apply for amendment/correction to the said decree.
- ii) The Second Appeal will stand restored subject to the condition of the Applicants removing all other office objections within a period of six weeks from today. If all the office objections are not removed within stipulated period, the order of dismissal will stand. No further extension will be granted.

JUDGE